S.B.CIVIL WRIT PETITION NO.4079/2004

Shravan Kumar
v.
State of Rajasthan & Anr.

DATE OF ORDER :: 9th May, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Y.P.Khileree, for the petitioner.
Mr. S.S.Ladrecha, Additional Government Advocate.

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The Director of Sanskrit Education Rajasthan, Jaipur by an advertisement No.4/2003-04 dated 25.2.2004 invited applications from eligible desirous candidates to be considered for appointment as Sanskrit Teachers against existing 175 vacancies. The petitioner considering himself, submitted an application in the prescribed proforma in pursuant to the advertisement referred above, however, his candidature was not considered by the respondents on the count that he was not possessing the qualification either of M.A. With Sanskrit/Acharya and also Senior Secondary School Certificate with Sanskrit.

Being aggrieved by the same this petition for writ is preferred contending therein that the petitioner possessed the qualification prescribed under the Rajasthan Sanskrit Education Subordinate Service Rules, 1978 (hereinafter referred to as “the Rules of 1978”) and, therefore, rejection of his

candidature was illegal. Relevant to note that the petitioner possessed the qualification of B.A. With Sanskrit as an optional subject with Bachelors Degree in Education with three teaching subjects including Sanskrit.

The petitioner, to substantiate his claim, placed reliance upon a judgment of this Court in the case of Smt. Geeta Patidar & Ors. v. State of Rajasthan, SBCivil Writ Petition No.332/2004, decided on 5.7.2004. In the case of Smt. Geeta Patidar (supra) this Court considered the same controversy and held as under:-

> "Thus, obviously, the petitioners therein included candidates having qualification lesser than M.A. in Sanskrit as well, rather as appear from the facts noticed at page 3, that the petitioners were holding, i.e. either Shiksha Shastri, Secondary, Higher Secondary, B.A. Or even M.A. with Sanskrit subjects. In that view of the matter, the interpretation being put by the respondents on the judgment dated 13.1.97, cannot be supported at all, and in view of the petitioners possessing the qualification of Senior Secondary with Sanskrit subject, and also possessing higher qualification in Sanskrit, being that of three years course of Shiksha Shastri, alongwith B.Ed., cannot be said to be ineligible. This is one aspect of the matter."

The counsel for the parties are in agreement that the controversy involved in this petition for writ is covered by the judgment referred above. In view of it, this petition for writ is also allowed and the respondents are directed to consider candidature of the petitioner for the purpose of appointment as Sanskrit Teacher and in the event he stands in merit, appointment be accorded to him as Sanskrit Teacher from the date the same was given to the persons less meritorious to him. The seniority and fixation of pay of the petitioner on notional basis is also directed to be given from the date of appointment.

(GOVIND MATHUR),J.

Kkm/ps.